

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

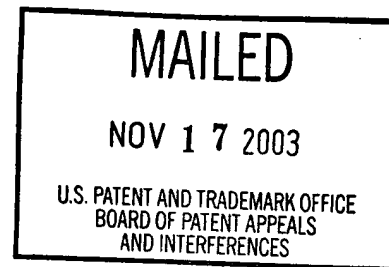
Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte FABRY BERND

Application No. 09/554,387



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 4, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We are unable to locate a complete copy of the Hasegawa¹ reference relied upon by the Examiner (Examiner's Answer, Paper No. 24, mailed June 18, 2003) in the administrative file.

¹ Hasegawa et al. (Hasegawa), "Hypocholesteremic effect of linoleic acid and phytosterol," Joshi Elyo Daigawa Kiyo, Vol. 14, pp. 165-192 (Chem. Abstract No. 100:208354) (1983)

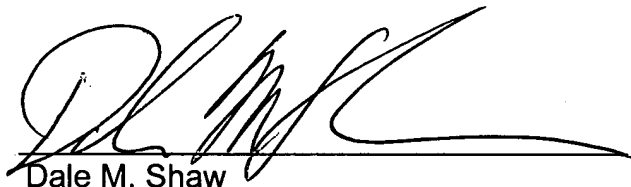
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Accordingly, it is

ORDERED that the application is remanded to the Examiner to provide a complete copy of the missing reference (Hasegawa), and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', written over a horizontal line.

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Application No. 09/554,387

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